

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 20081798

Shell Oil Products US
20945 South Wilmington Avenue
Carson, California 90810

CONSENT ORDER

Health and Safety Code
Section 25187

Tesoro Refining and Marketing Co.
Los Angeles Refinery
2101 East Pacific Coast Highway
P.O. Box 817
Wilmington, California 90744

ID No. CAD041520644

Respondents.

1. INTRODUCTION

1.1. The California Department of Toxic Substances Control (Department) and Shell Oil Products US (SOP) and Tesoro Refining and Marketing Company, Los Angeles Refinery (TRMC) (Respondents) enter into this Consent Order (Order) and agree as follows:

1.2. Respondents generate, handle, and store hazardous waste at 2101 East Pacific Coast Highway, Wilmington, California 90744.

A Post Closure Permit Application was submitted by Equilon (former Owner) on September 5, 1998 for Ponds #8 and #9.

1.3. Inspection. The Department inspected the Site on April 22, 23, 2008 and June 11, 2008.

1.4. Authorization Status. Respondents submitted a revised Post Closure Permit to the Department on May 30, 2007 for Ponds #8 and #9 (The original Post Closure Permit Application was submitted by Equilon on September 5, 1998 and a

Notice of Deficiency (NOD) was submitted to the facility on January 30, 2007). Ponds #8 and #9 were placed under RCRA Interim Status regulations since 1990 because of new RCRA TCLP Rules.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondents waive any and all rights to a hearing in this matter.

1.8. Admissions. Respondents admit the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1 Tesoro Refining and Marketing Company, Los Angeles Refinery (Owner) and Shell Oil Products (Operator) (Respondents) of Ponds #8 and #9 violated Title 22, Cal. Code Regs., sections 66265.111 and 66265.228 in that, on or about April 23, 2008 Pond #8 was observed and photographed to have discharged or otherwise allow liquid/waste to accumulate in the unit and Pond #9 had cracks allowing groundwater

intrusion with a petroleum sheen; on or about June 11, 2008, cracks allowing groundwater intrusion were observed and photographed in Ponds #8 and #9.

Ponds #8 and #9 are regulated as units that require a permit from the Department for post closure and may not have any liquids/waste discharged into or collected in them.

3. SCHEDULE FOR COMPLIANCE

3.1 Respondents will correct the violations set forth above.

3.1.1 Respondents shall immediately prevent the discharge and/or accumulation of any liquid/waste into Ponds #8 and #9.

3.1.2 Respondents shall provide to the Department an improvement plan and a schedule of completion to retrofit Ponds #8 and #9 in response to the Notice of Deficiencies (NOD) issued by the Department on June 5, 2008. Ponds #8 and #9 must be retrofitted before any further use of the Ponds is authorized. The improvement plan and schedule of completion are required to be submitted to the Department within 30 days of the effective date of this Consent Order.

3.1.3 Respondents shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondents may be required to take such further actions as are necessary to protect public health or welfare or the

environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondents to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondents and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY and PAYMENTS

5.1. Respondents shall pay the Department a penalty the total sum of \$21,000.

5.2 Payment of the total sum specified in paragraph 5.1, is due within 30 days from the effective date of this Order.

5.3 Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondents and Docket Number, as shown in the caption of this Order, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mr. Dale Hoverman, Unit Chief
Enforcement and Emergency Response Program
1515 Tollhouse Road
Clovis, California 93611

5.4 If Respondents fail to make payment as provided above, Respondents agree to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection, including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: _____

Respondent(s)

Dated: _____

Department of Toxic Substances Control